

BOARD OF COUNTY COMMISSIONERS

November 10, 2009

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Starr, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Minutes Supervisor Manley and Minutes Secretary Carleton. The following members were absent: None. The meeting was called to order at **9:00 AM**.

The Invocation was given by Reverend Sammie Brooks, Grace Presbyterian Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Requested by Administration: F-2 - Attachment to FY2010-2011 Budget Workshop and public hearings under Presentation of Tentative Budget line, July 8th and July 9th (if needed) should read at 10:00 AM.

Deletion #1: Requested by Administration: F-7 - RECOMMENDED ACTION: a) Approve Award of Bid #09-311, Tree & Brush Power Shearing, at the unit prices bid to Clear Zone Maintenance, Inc. of Vero Beach, Florida. Term of contract is to be from date of award, through and including September 30, 2010; and b) Authorize the County Administrator to approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: None. Funding is supplied from the various Streets and Drainage MSBUs receiving this service.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Proclamations - Commissioner Bob Starr

Arts and Humanities Council Artist of the Month

COMMISSIONER LOFTUS MOVED TO PROCLAIM MAGGIE RUIZ AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH OF NOVEMBER 2009, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Maggie Ruiz.

Carol Dunkak-Dunekirchen Day

COMMISSIONER CUMMINGS MOVED TO PROCLAIM NOVEMBER 10, 2009 AS CAROL DUNKAK-DUNEKIRCHEN DAY, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

The Proclamation was accepted by Carol Dunkak-Dunekirchen.

Charlotte Stone Crabs Recognition Day

COMMISSIONER SKIDMORE MOVED TO PROCLAIM NOVEMBER 10, 2009 AS CHARLOTTE STONE CRABS RECOGNITION DAY, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

The Proclamation was accepted by Patrick McMesser, Assistant General Manager and Jonathan Gant, Director of Marketing.

Charlotte Symphony Orchestra Week

COMMISSIONER CUMMINGS MOVED TO PROCLAIM THE SECOND WEEK OF NOVEMBER 2009 AS CHARLOTTE SYMPHONY ORCHESTRA WEEK, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Chari Stanley-Leach, Executive Director and Symphony Maestro, Toshimasa Francis Wada, Musical Director.

Employee Recognition - Commissioner Starr and County Administrator Baltz

Five Years: Abdiel Dantin-Facilities; Larry Golden - Fire/EMS; Jeffrey Rathburn - Fire/EMS; Cheryl Rigano - Utilities; **Ten Years:** Chris Durso - Utilities; Rhiannon Mills - Purchasing; James Montgomery - Parks, Recreation and Cultural Resources; **Fifteen Years:** Nigel Lonsdale - Parks, Recreation & Cultural Resources; James Pontbriand - Environmental & Extension Services; **Twenty Years:** Alisa True - Purchasing; Peter Casseday - Public Works; Donald Finkelstein - Fire/EMS; Frederick Grace - Public Works; **Twenty-Five Years:** Thomas Burns - Building Construction Services; **Thirty Years:** Paul Johnson - Public Works

Presentations

Tourism Director, Becky Bovell, will present two individuals with honorary Charlotte Harbor Ambassador 'Deeds'

Ms. Bovell presented honorary Charlotte Harbor Ambassador "Deeds" to Sister Jennifer Kennedy and **Commissioner Bob Starr**.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Frank Mazur, John Hitzel, Richard Bair, and Howard Shaw spoke in opposition of Agenda Item Z-1.

Dr. Bill Coy, Carol Dunkak-Dunekirchen, and an unidentified member of Team Transit and AARP Representative spoke in support of Agenda Item Z-1.

Sandy Slater, Karen Price, and Jack Payne spoke in support of Agenda Item F-8.

An unidentified citizen expressed concerns related to Agenda Item Z-1.

II. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following Committees:

Construction Industry Licensing Board - seeking one volunteer to represent licensed general contractor category. Must be a resident of Charlotte County for two years and hold a valid license. Length of term - four years.

Deep Creek Street & Drainage Unit Advisory Committee is seeking two volunteers; one to finish an unexpired term and one to be the alternate. Must be residents of the unit.

Edgewater North Waterway District Advisory Committee is seeking two volunteers to serve as regular members. Must be residents of the unit.

Grove City Street & Drainage Unit Advisory Committee is seeking three volunteers to serve as regular members and one volunteer to serve as the alternate member. All terms effective immediately.

Lemon Bay Street & Drainage Advisory Committee is seeking two volunteers to serve as regular members and one volunteer to serve as alternate member. All terms effective immediately. Must own property and reside within the unit.

South Bridge Waterway MSBU is seeking one volunteer to serve as a regular member and one volunteer to serve as the alternate member. Must own property and live within the unit. Terms effective immediately.

Suncoast Waterway Maintenance MSBU is seeking two volunteers; one as a regular member and one as alternate member. Must own property and live within the unit. Term is effective immediately.

Town Estates Street & Drainage Unit Advisory Board is seeking two volunteers to serve as regular members and one volunteer to serve as the alternate member. Must be resident of the unit. All terms effective immediately.

III. REPORTS RECEIVED AND FILED - No items

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE CONSENT AGENDA EXCEPT AGENDA ITEMS F-1, F-3, AND R-1, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Finance Memoranda.
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 08/09

Memorandum #1A - Status of Contingency Reserves - FY 09/10

Memorandum #2 - Total Disbursements for the period October 20, 2009 through November 2, 2009 in the amount of \$13,484,619.

B. Minutes Division

(1) RECOMMENDED ACTION: BUDGETED ACTION: None May 26, 2009, 9:00 AM, Board of County Commissioners Regular Meeting May 27, 2009, 1:30 PM, Budget Workshop May 29, 2009, 1:30 PM, Budget Workshop

Board of County Commissioners

C. Commission Office

(1) RECOMMENDED ACTION: Reappoint David Nellis to the Beaches and Shores Advisory Committee representing Commission District Two. Length of term: 4 years BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Re-appoint Thomas Thornberry to the Board of Zoning Appeals as the District #5 representative. Term shall expire November 2012. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Appoint Mr. John Hitzel as the District #4 representative on the Charlotte County Parks and Recreation Advisory Board. This term will expire in April 2011 and will

fill the unexpired term of Mr. Johnson who resigned. BUDGETED ACTION: None

(4) RECOMMENDED ACTION: Appoint Marcus Norman to the Parks and Recreation Advisory Committee representing District #2. Length of term - 3 years. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Appoint Lou Spacco to the Recreation and Parks Advisory Committee representing District #3. Term shall expire May 2012. BUDGETED ACTION: None

(6) RECOMMENDED ACTION: Set a Board Workshop for Monday, November 23, 2009 at 1:30 p.m. to discuss alternative energy strategies. BUDGETED ACTION: None

D. Administration

(1) RECOMMENDED ACTION: Approve cancellation of the December 22, 2009, Regular Meeting of the Board of County Commissioners. BUDGETED ACTION: None

E. County Attorney - No items

F. Budget and Administrative Services

(1) RECOMMENDED ACTION: Approve budget amendment #10-A04 in the amount of \$215,168 for the fiscal year 2010 County budget for enhancement of Adult Drug Court. BUDGETED ACTION: Approve Budget Amendment #10-A04 in the amount of \$215,168, and Transfer #10-002 for \$15,178, for the fiscal year 2010 County budget. The local match will be accomplished with budgeted administrative expenses from the general fund as in-kind match.

Commissioner Starr suggested that the grant funds be accepted and reallocated to another area where they are needed.

COMMISSIONER STARR MOVED TO APPROVE BUDGET AMENDMENT #10-A04 IN THE AMOUNT OF \$215,168, AND TRANSFER #10-002 FOR \$15,178, FOR THE FISCAL YEAR 2010 COUNTY BUDGET, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

(2) RECOMMENDED ACTION: Approve FY2010-2011 Budget workshop and public hearings for the Board of County Commissioners per the attached schedule. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: a) Accept the ARRA Florida Department of Law Enforcement's Edward Byrne Memorial Justice Assistance Grants for the Neighborhood Accountability Board Program and the Enhanced Drug testing Program and authorize the Chair to sign the acceptance forms. The Neighborhood Accountability Board Program was awarded \$51,974, and the Enhanced Drug Testing Program was awarded \$11,211. b) Authorize acceptance of the four outstanding grants (Specialty Court Administrator, Laptop Acceleration Initiative, Substance Abuse Prevention Initiative Among Charlotte County Youth and Going Home - The Charlotte County Juvenile Re-entry Program) upon receipt of award notification and authorize the Chair to sign the acceptance forms. BUDGETED ACTION: No budget action is necessary.

Commissioner Starr stated his concerns are the same as expressed for Agenda Item F-1.

COMMISSIONER STARR MOVED TO ACCEPT THE ARRA FLORIDA DEPARTMENT OF LAW ENFORCEMENT'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS FOR THE NEIGHBORHOOD ACCOUNTABILITY BOARD PROGRAM (GRANT 2009-055) AND THE ENHANCED DRUG TESTING PROGRAM (GRANT 2009-056) AND AUTHORIZE THE CHAIR TO SIGN THE ACCEPTANCE FORMS; AND TO AUTHORIZE ACCEPTANCE OF THE FOUR OUTSTANDING GRANTS SPECIALTY COURT ADMINISTRATOR (GRANT 2009-057), LAPTOP ACCELERATION INITIATIVE (GRANT 2009-058), SUBSTANCE ABUSE PREVENTION INITIATIVE AMONG CHARLOTTE COUNTY YOUTH (GRANT 2009-059) AND GOING HOME - THE CHARLOTTE COUNTY JUVENILE RE-ENTRY PROGRAM (GRANT 2009-060) UPON RECEIPT OF AWARD NOTIFICATION AND AUTHORIZE THE CHAIR TO SIGN THE ACCEPTANCE FORMS, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

Commissioner Cummings clarified the motion is to approve the item and not to implement **Commissioner Starr's** comments. **Commissioners Starr** and **Loftus** confirmed that was the intention.

(4) RECOMMENDED ACTION: Approve and authorize the BCC Chair to sign a resolution authorizing the borrowing of an amount not to exceed \$7.96 million from the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission in order to refinance a loan (A-7-1) previously made to finance various capital improvements within the County. The loan matures

in December 2009. This follows the original plan to obtain the favorable short term refinancing and renew it for the remaining payoff term of the MSBUs from when the projects were completed. BUDGETED ACTION: None. Principal and interest payments are budgeted in FY 10 in Public Works for previous paving projects (MSBUs) for various locations and CCU for the Rotonda Villas and Springs project.

Resolution 2009-271

(5) RECOMMENDED ACTION: Set a public hearing for Tuesday, November 24, 2009 at 10:00 a.m. to consider approving an ordinance for an additional homestead exemption for persons 65 and older. BUDGETED ACTION: Future impact on ad valorem taxes.

Fiscal Services

(6) RECOMMENDED ACTION: Amendments and transfers which impact various funds are required to complete Fiscal Year 2008/2009 budget closing process. a) Approve Budget Amendments at attachment A totaling \$1,887,774; b) Approve CIP Amendments at Attachment B; and c) Approve Budget Transfers at Attachment C. BUDGETED ACTION: Approval of Budget Amendments referenced on Attachment A, CIP Amendments referenced at Attachment B, and Budget Transfers referenced on Attachment C.

Information Technology - No items

Purchasing

(8) RECOMMENDED ACTION: Award Bid #09-345 South Gulf Cove Entry Features, to the lowest responsive, responsible bidder, Holland Landscaping & Tree Service, Inc. of Osprey, FL for a total project cost of \$278,337.78. The purpose of this bid is to secure the services of an experienced, licensed Contractor to furnish all materials, labor, equipment, incidentals and associated site work required to successfully complete the construction of the South Gulf Cove Entry Features and Supplemental Landscaping. BUDGETED ACTION: None

(9) RECOMMENDED ACTION: a) Award Bid #09-362, Water/Wastewater Chemicals, to various vendors as listed below for the term from date of award up to and including September 30, 2010, with the exception of Citric Acid, which will be effective January 1, 2010 up to and including September 30, 2010; and b) Authorize County Administrator to approve two additional one-year renewals at the same prices, terms, and conditions by mutual consent.

This is an annual contract for water and wastewater chemicals.
BUDGETED ACTION: None

(10) RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of November, 2009. BUDGETED ACTION: None

Real Estate Services

(11) RECOMMENDED ACTION: Requesting approval to authorize the Chairman to execute a "Consent" document requested by Florida Power and Light Company in conjunction with two (2) easements being granted to them by Babcock Florida Holdings, LLC, that lie adjacent to or over Fire Station No. 9 on State Road 31.
BUDGETED ACTION: None

Resolution 2009-272 and Agreement 2009-045

(12) RECOMMENDED ACTION: Approve the attached Resolution authorizing the release of a portion of a twenty-foot (20') wide canal maintenance easement, located in Port Charlotte Subdivision Section Eighty-Two, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portion of said easement. (Owners: Jamian R. and Roberta M. Probbler) BUDGETED ACTION: None

Resolution 2009-273

G. Building & Construction Services - No items

H. Economic Development - No items

J. Environmental Services - No items

K. Facilities Construction and Maintenance - No items

L. Growth Management

(1) RECOMMENDED ACTION: Approve release of Surety Bond #SU5011133 issued by Arch Insurance Company in the amount of \$3,187,886.74 to KB Homes of Fort Myers, LLC, that was provided to Charlotte County to insure the infrastructure of Creekside Phase I subdivision, according to Developer's Agreement #2005-

012, dated April 19, 2005, and amended on July 8, 2008. BUDGETED ACTION: None

Agreement 2005-012

(2) RECOMMENDED ACTION: Approve release of Surety Bond #9012510 (letter of credit) issued by RBC Bank in the amount of \$1,745,359.77 to Charlotte County Park of Commerce, LLC, that was provided to Charlotte County to insure the infrastructure of Charlotte County Park of Commerce Phase II subdivision, according to Developer's Agreement #2007-064 dated October 23, 2007. BUDGETED ACTION: None

Agreement 2007-064

M. Human Resources - No items

N. Human Services - No items

P. Parks, Recreation and Cultural Resources

(1) RECOMMENDED ACTION: a) Approve stadium improvements listed; and b) Approve Budget Transfer #10-003 the amount of \$199,494. BUDGETED ACTION: Approve Budget Transfer #10-003 in the amount of \$199,494.

Q. Public Safety

(1) RECOMMENDED ACTION: Approve the Interlocal Agreement between the Charlotte County Sheriff's Office and Charlotte County relating to use and operation of the Sheriff's Office vessels. BUDGETED ACTION: None

Agreement 2009-046

R. Public Works

(1) RECOMMENDED ACTION: Approve the draft of the Charlotte County Ten Year (FY 2009/2010 - FY 2018/2019) Transit Development Plan (TDP) BUDGETED ACTION: None. Funding for the preparation of the TDP is from Section 5303 Federal Transit Administration grant funds.

Mark Gumula responded to Board questions related to the Ten Year Transit Development Plan.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE DRAFT OF THE CHARLOTTE COUNTY TEN YEAR (FY 2009/2010 - FY 2018/2019) TRANSIT DEVELOPMENT PLAN (TDP), SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

S. Tourism Development - No items

T. Utilities - No items

U. Other Agencies - No items

VII. PRESENTATION AGENDA - 10:00 AM

(1) Commission Office - Steven Mitnick, Administrator for the Charlotte County Health Department will present an H1N1 Update.

Steven Mitnick gave an H1N1 PowerPoint presentation, indicated immunization is strictly voluntary, and recommended citizens educate themselves. **Commissioner Loftus** noted information is available on TV20.

(2) Commission Office - Presentation by Terri Behling regarding SWFWMD's Recreation Guides and Get Outside Campaign.

Terri Behling gave a PowerPoint presentation and commented on upcoming events.

RECESS: 10:25 AM - 10:35 AM

V. REGULAR AGENDA

Z. Regular Agenda

(1) Human Services - Board Consideration of a Pilot Fixed Route Bus Service. Discussion, direction and action requested.

Vikki Carpenter gave a PowerPoint presentation and update, explained the bus service is a pilot project, and noted no

additional costs will be added. Rich Weingarten and Fred McKenna responded to several Board questions. Attorney Knowlton responded to questions related to fare breaks and the potential for discriminatory lawsuits. Board discussion continued. Jay Goodwill provided additional detail related to costs and subsidies.

COMMISSIONER LOFTUS MOVED TO NOT MOVE FORWARD WITH THE PILOT FIXED ROUTE SYSTEM BUT IMPLEMENT THE FIVE NEW BUSES INTO THE DIAL-A-RIDE SYSTEM AND IMPROVE THE DIAL-A-RIDE SYSTEM, SECONDED BY COMMISSIONER SKIDMORE

Commissioner Skidmore proposed bringing the item back in two weeks. **Chairman Duffy** noted this would be a first step to improve Dial-A-Ride and suggested it come back in two or three months. **Commissioner Cummings** stated that the motion is not to improve Dial-A-Ride but to add five replacement buses.

MOTION CARRIED 3:2. COMMISSIONER CUMMINGS, COMMISSIONER STARR OPPOSING.

RECESS: 12:55 P.M. - 1:15 P.M.

(3) Utilities - A presentation of the operational and financial status of Charlotte County Utilities (CCU), along with new opportunities identified for consideration.

Terri Kesner gave a PowerPoint presentation that included CCU's current operational and financial status as well as future opportunities and challenges. Mr. Baltz commented on secondary water quality. Henry Thomas gave a financial analysis update and responded to Board questions. Ms. Kesner explained financial viability related to Capital Improvements Program (CIP) costs associated with adding new customers from infill areas. Mr. Baltz commented further on the topic.

VI. PUBLIC HEARING AGENDA - NO ITEMS

VIII. PUBLIC WORKSHOP AGENDA - NO ITEMS

IX. BOARD WORKSHOP AGENDA - NO ITEMS

X. CITIZEN INPUT - ANY SUBJECT

AA. County Administrator:

Mr. Baltz stated that he would be asking the Commissioners for direction for the next budget cycle, mentioned the November 23, 2009 workshop may not be in Room 119 because there is a Value Adjustment Board (VAB) meeting on that day. Tommy White questioned the advertising deadline for the Board Workshop and stated he would check and see about moving the VAB meeting. Attorney Knowlton advised the legalities related to advertising. Mr. Baltz noted his progress related to outsourcing custodial services and mowing.

BB. County Attorney:

County Attorney Knowlton announced that they had prevailed at a certain 2006 code enforcement court action at the trial level. Attorney Knowlton provided detail related to a current litigation associated with internet agencies related to bed tax, asked if the Board was interested in participating along with other counties, and mentioned the outcome of related conversations with Internal Audit Director, Michael Byrne and the Tax Collector. There was **Board Consensus** to place the topic on an upcoming agenda.

CC. Commissioner Comments:

Commissioner Skidmore commended Sharon and Scott Geezil for putting together the weekly Farmers Market at Tringali and mentioned the success of the community garage sales, thanked Jim Barrett of Veteran Services Department and his staff in regards to Homeless Veterans, asked staff to increase the availability of other cable providers in the area, discussed detail on pool cleaning requirements, commented on the Adopt-A-Park Program, and voiced concerns regarding the rate that it was moving forward. There was further Board discussion on the topic. Mr. Baltz gave an update and stated he would put the Adopt-A-Park Program on the next agenda. **Commissioner Cummings** commented on outsourcing, suggested future savings could be reduced based on the economy, and stated his hesitation to cut more jobs. The Board commented on the potential use of inmate labor for the Sand Hill DRI (Development of Regional Impact) Restoration Project. There was **Board Consensus** to write a grant application letter of support on behalf of Edison College. There was **Board Consensus** to delay the purchase of a paper-based Americans with Disabilities Act (ADA) compliant voter machine. **Chairman Duffy** announced Veterans Day activities taking place the next day. There was additional Board discussion associated with the use and cost of inmate labor.

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ADJOURNED: 2:50 P.M.

Signature on file in Commission Minutes
Chairman

ATTEST:

BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes
Deputy Clerk

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